

Notice of Allowability

Application No.

10/730,300

Examiner

Andre' L. Jackson

Applicant(s)

GAYDOS ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 31, 2005.
2. ☒ The allowed claim(s) is/are 5-16 and 27-30, renumbered as claims 1-16.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/22/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Harbst on August 22, 2005.

The application has been amended as follows:

In claim 8, line 7, after "spaced", the word "generally" has been deleted.

In claim 8, last line, after "said hatch cover to", -- the stationary brackets on -- has been inserted. And after "the railcar", -- having hinge pins arranged within predetermined distance ranges relative to the coaming on the railcar -- has been inserted.

In claim 30, last line, "reminder" has been changed to read "remainder".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art made of record fails to disclose or suggest the combination of structural limitations as set forth in applicant's claims. In particular, the prior art fails to disclose a hatch cover used with a railroad hopper or railcar comprising a universal adapter operably secured toward a hinge end of the hatch cover in a laterally spaced relation from an opposite latch end of the hatch cover. The universal adapter defining multiple openings or modular inserts disposed in spaced parallel orientation or different patterns relative to each other. The openings are aligned with openings or

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apertures in stationary brackets of the railcar to provide an axis or rotation whereby permitting pivotal mounting of the hatch cover to the railcar's stationary brackets having hinge pins arranged within predetermined distance ranges relative to a coaming of the railcar.

Oestermeyer et al is considered the closest prior art. Oestermeyer et al discloses a universal latch system defining an adapter operably secured toward a hinge end of a hatch cover in a laterally spaced relation from an opposite latch end of the hatch cover. However, Oestermeyer et al fails to disclose an adapter defining multiple openings or modular inserts disposed in spaced parallel orientation or different patterns relative to each other such that dissimilar stationary brackets having hinge pins arranged within predetermined distance ranges relative to the coaming is mounted thereto for adjustment capabilities as claimed.

The prior art references made of record do not cure the deficiencies of Oestermeyer et al whether taken alone or used in combination thereof. Therefore, the Examiner believes applicant's claims define over the prior art and is in condition for allowance.

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

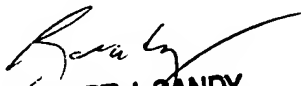
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER